

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-3920

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Otto Llovet,

Plaintiff - Appellant,

v.

Eugene DeShazo,

Defendant - Appellee.

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Appeal from the United States  
District Court for the  
Western District of Missouri

[UNPUBLISHED]

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Submitted: September 17, 1999

Filed: November 18, 1999

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Before RICHARD S. ARNOLD and LOKEN, Circuit Judges, and SIPPEL,\* District Judge.

PER CURIAM

Otto Llovet was terminated by the United States Department of Labor on May 25, 1990. Appellant Eugene DeShazo represented Llovet in the appeal of his termination before the Merit Systems Protection Board (the "MSPB"). The MSPB upheld the Department of Labor's termination decision. After the MSPB's ruling, Llovet filed this action against DeShazo. Llovet alleged that DeShazo committed legal malpractice for failing to raise the Whistleblower Protection Act of 1989 (the "Act") in the proceeding before the MSPB. A bench trial was held

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\*The Honorable Rodney W. Sippel, United State District Judge for the Eastern District of Missouri, sitting by designation.

after which the district court<sup>1</sup> entered judgment for DeShazo. Llovet appeals the judgment, arguing that the district court erred in finding that Llovet did not have a reasonable belief that he disclosed violations of law or abuses of authority which would constitute a whistleblower claim. Llovet also asserts that the district court erred in its analysis of his claim under the Act.

After careful review of the record, we find that the district court did not err in its findings of fact or conclusions of law, and affirm for the reasons set out in the court's well reasoned and thorough order dated October 15, 1998.

A true copy.

Attest:

**CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.**

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<sup>1</sup>The Honorable Sarah W. Hays, United States Magistrate Judge for the Western District of Missouri.